Robert E. Shannon
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PUBLIC WALKWAYS OCCUPANCY PERMIT

29513

This Public Walkways Occupancy Permit ("Permit") is granted this 6th day of October, 2005, pursuant to minute order adopted by the City Council of the City of Long Beach at its meeting held on September 20, 2005, to **EXSU INC., a California corporation**, ("Permittee"), whose address is 4905 East Second Street, Long Beach, California 90803, as the operator of the **"YEN JAPANESE RESTAURANT"** and lessee of premises at **4905 East Second Street**, Long Beach, California 90803.

Permission is granted to Permittee to occupy the public right-of-way with the following obstruction: **low barrier, four (4) tables, six (6) chairs and two (2) umbrellas** at **4905 East Second Street**, Long Beach, California. Dimensions and location of the area to be occupied are as shown on Exhibit "A", incorporated by reference and made a part of this Permit; provided that all obstructions are placed only within the permit area shown on Exhibit "A."

This Permit is granted with reference to the following facts:

1. Permittee proposes to occupy the public right-of-way as shown on Exhibit "A"; and

2. The proposed occupancy will not now or at any time interfere with continued public use of the public street right-of-way; and

3. That there is no present or foreseeable conflicting public need for the proposed use of the public street right-of-way area and its temporary withdrawal from public use will not be injurious or detrimental to the public; and

4. That this use of a portion of the public street right-of-way is consistent with proper and lawful street uses and the use is approved; and

5. The City Engineer has determined that this use is in compliance with Chapter 14.14 of the Long Beach Municipal Code, all related to temporary use of the public rights-of-way.

The use of the public street right-of-way is granted upon and subject to the

following terms and conditions:

1. The minimum width of the public walkway shall be ten feet, or as otherwise approved by the City Council pursuant to Chapter 14.14 of the Long Beach Municipal Code, and any obstruction must permit at least five feet of unobstructed area of public walkway.

2. The obstruction shall abut the property and not be located in a manner which interferes with the flow of pedestrian or other traffic.

3. The maximum height of any such obstruction shall be six feet and all such obstructions shall be entirely portable, except as specifically authorized by the City Engineer.

4. This permit may be immediately suspended for a designated time period at any time in the event that, in the discretion of the City Council or City Manager, such obstruction would interfere with street improvement activities, construction activities, cleaning efforts or other similar activities.

5. The obstruction shall be kept in a good state of repair and in a safe, sanitary and attractive condition.

6. Such obstruction may not be located within twenty feet from an intersection (measured to the prolongation of the near curb of the intersecting street) or within ten feet from a driveway or alley (measured to the near end of the fully depressed portion of an apron type driveway, or to the prolongation of the near curb of the driveway)

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